

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAN'T STOP PRODUCTIONS, INC.,

Plaintiff,

ORDER

- against -

No. 17-CV-6513 (CS)

SIXUVUS, LTD., ERIC ANZALONE, ALEXANDER
BRILEY, FELIPE ROSE, JAMES F. NEWMAN,
RAYMOND SIMPSON, and WILLIAM WHITEFIELD,

Defendants.
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Seibel, J.

Upon the motion for a temporary restraining order and preliminary injunction supported by the declarations of Sal Michaels sworn to on the 15th day of March 2018, Karen Willis sworn to on the 15th day of March 2018 (together with the exhibit annexed thereto), and Mario Casciano sworn to on the 15th day of March 2018, the memorandum of law in support submitted therewith (together with the exhibits annexed thereto), and the pleadings and record herein, and having heard the parties on March 16, 2018, and good and sufficient cause appearing therefore, it is hereby:

ORDERED that, pending further order of the Court, Defendants shall not use, advertise and book performances under the name “Kings of Disco formerly Village People,” although they can use, advertise and book performances under the name “Kings of Disco,” “Kings of Disco former members of Village People,” or “Kings of Disco formerly members of Village People,” provided that all words in “former members of Village People” and “formerly members of Village People” are in the same size font and that that font is not larger than the font size of “Kings of Disco”; and it is further

ORDERED that, pending further order of the Court, Defendants, no later than March 19, 2018, shall: 1) generate a prominent banner at the top of their Twitter page with the handle @villagepeople that states that (a) the page is not the page for Village People; and (b) if the viewer is looking for Village People, the viewer should go to a Twitter page to be provided to Defendants by Intervenor Karen Willis d/b/a Harlem West Entertainment (“Intervenor”) no later than March 16, 2018; and 2) generate below the banner described in item (1) of this paragraph a separate banner that states (or if a separate banner is not possible, generate below the information described in item (1) wording that conveys the following): (a) the account @villagepeople is being shut down shortly; and (b) visitors can follow “Kings of Disco,” “Kings of Disco former members of Village People,” or “Kings of Disco formerly members of Village People,” via an account of Defendants’ choosing, so long as the URL or handle of that site or account does not employ the term “Village People” except as part of “Kings of Disco formerly members of Village People” or “Kings of Disco former members of Village People”; and it is further

ORDERED that, pending further order of the Court, Defendants, no later than March 19, 2018, shall 1) generate a prominent banner at the top of their verified Facebook page, “Official Village People,” that states that (a) the page is not the page for Village People; and (b) if the viewer is looking for Village People, the viewer should go to a Facebook page to be provided to Defendants by Intervenor no later than March 16, 2018; and 2) generate below the banner described in item (1) of this paragraph a separate banner that states (or if a separate banner is not possible, generate below the information described in item (1) wording that conveys the following): (a) the page is being shut down shortly; and (b) visitors can follow “Kings of Disco,” “Kings of Disco former members of Village People,” or “Kings of Disco formerly members of Village People,” at a site of Defendants’ choosing, so long as the URL or handle of

that site does not employ the term “Village People” except as part of “Kings of Disco formerly members of Village People” or “Kings of Disco former members of Village People”; and it is further

ORDERED that, pending further order of the Court, Defendants shall, no later than March 23, 2018, disable or freeze to the maximum extent possible both their Twitter account @villagepeople and their verified Facebook page “Official Village People,” which obligation may be satisfied by the transfer of the content of that Twitter account and Facebook page to different URLs that do not employ the term “Village People” except as part of “Kings of Disco formerly members of Village People” or “Kings of Disco former members of Village People”; and it is further

ORDERED that the parties shall proceed to mediation with Magistrate Judge Lisa M. Smith as soon as possible; and it is further

ORDERED that the parties shall proceed with a preliminary injunction hearing on April 10, 2018 at 9:30 a.m., with briefs due April 3, 2018; and it is further

ORDERED that this temporary restraining order be and hereby is conditioned upon Intervenor filing with the Clerk of this Court, no later than March 19, 2018, an undertaking in the form of a bond or cash in the amount of \$1,500 to secure payment of costs and damages as may be suffered or sustained by any party who is wrongfully restrained hereby.

SO ORDERED:

DATED: White Plains, New York
March 16, 2018


UNITED STATES DISTRICT JUDGE